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*Attorneys for Non-Party Officials of  
the Public Investment Fund of  
the Kingdom of Saudi Arabia.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE TESLA, INC. SECURITIES  
LITIGATION

Case No. 3:18-cv-04865-EMC

**DECLARATION OF KIMBERLY  
A. HAVLIN IN SUPPORT OF  
THE MOTION TO QUASH RULE  
45 SUBPOENAS OF NON-PARTY  
OFFICIALS OF THE PUBLIC  
INVESTMENT FUND OF THE  
KINGDOM OF SAUDI ARABIA**

Judge: Honorable Edward M. Chen  
Date Filed: August 10, 2018  
Trial Date: January 17, 2023

1 I, Kimberly A. Havlin, hereby declare and state:

2 1. I am an attorney duly licensed to practice law in the state of New York and my *pro*  
3 *hac vice* motion is pending before this Court. I am a partner in the law firm of White & Case LLP,  
4 and am one of the attorneys representing non-party subpoena recipients His Excellency Yasir O. Al-  
5 Rumayyan, Mr. Turqi Al-Nowaiser, Mr. Saad Al Jarboa, and Mr. Naif Al Mogren (together, “Non-  
6 Parties”).

7 2. Attached hereto as Exhibit 1 are true and correct copies of the Subpoenas  
8 purportedly served on Non-Parties to appear and testify at the trial scheduled in this Action, which  
9 were previously filed as ECF Nos. 522-525.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of the Kingdom of Saudi  
11 Arabia Public Investment Fund’s website page titled “Who We Are,” accessed on January 10, 2023.

12 4. Attached hereto as Exhibit 3 is a true and correct copy of the Kingdom of Saudi  
13 Arabia’s Public Investment Fund Law.

14 5. Attached hereto as Exhibit 4 is a true and correct copy of the Kingdom of Saudi  
15 Arabia Public Investment Fund’s website page titled “Our Leadership,” accessed on January 10,  
16 2023.

17 6. Attached hereto as Exhibit 5 is a true and correct copy of the Entity Details for  
18 USSA International LLC, a subsidiary of the Public Investment Fund, as filed with the Delaware  
19 Division of Corporations Registry.

20 7. Attached hereto as Exhibit 6 is a true and correct copy of a letter dated January 6,  
21 2023 sent by my partner, Carolyn B. Lamm, to Defendants’ counsel, Christine M. Morgan,  
22 requesting that Defendants withdraw the deficient Subpoenas.

23 8. Attached hereto as Exhibit 7 is a true and correct copy of the January 9, 2023 e-mail  
24 sent by Defendants’ counsel to Ms. Lamm.

25 9. Attached hereto as Exhibit 8 is a true and correct copy of the January 9, 2023 e-mail  
26 sent by Ms. Lamm requesting that Defendants formally withdraw the Subpoenas.

27  
28 I declare under penalty of perjury under the laws of the State of California and the United

1 States of America that the foregoing is true and correct and that I executed this Declaration on  
2 January 12, 2023, at New York, New York.

3  
4 Dated: January 12, 2023

By: /s/ Kimberly A. Havlin  
Kimberly A. Havlin (*pro hac vice pending*)  
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**FILER'S ATTESTATION**

Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Heather M. Burke, attest that concurrence in the filing of this document has been obtained.

Executed: January 12, 2023

/s/

Heather M. Burke

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